IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

AND

HONOURABLE MR. JUSTICE K.C. BHANU

WRIT PETITION NO. 1326 OF 2006

Date:13.02.2006

BETWEEN:

Arun Kumar

…. PETITIONER

And

1. The Station House Officer, I Town Police Station, Nizamabad district at Nizamabad, and others.

…. RESPONDENTS

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

AND

HONOURABLE MR. JUSTICE K.C. BHANU

WRIT PETITION NO. 1326 OF 2006

ORAL ORDER: (Per TMK,J.)

This writ petition is taken up on the basis of the Fax Message dated

18.01.2006, sent by the petitioner for issuance of Writ of Mandamus to call for records and remarks from the respondents herein in and connected to (i) arresting and registering a case in F.I.R.No.17/2006 on 17.01.2006 against (1) Vittal, S/o. Narayana, 15 years, R/o. Mopal (V) of Nizamabad Mandal & District (2) K. Raju, S/o. Rajaiah, 25 years, R/o. Kotgally, Nizamabad (arrested on 14.01.2006 and still in police custody) (3) M. Jaipal Reddy, S/o.Narsa Reddy, 24 years, R/o. Near Vijaya Talkies, Nizamabad (4) M. Sudhakar, S/o. late Kishan das, 24 years, R/o. Near Vijaya Talkies, Nizamabad (5) Roshan, S/o. Gopi Kishan, 20 years, R/o. Marqadigally, Nizamabad (6) Ravinder, S/o. Sayanna, 35 years, R/o. Nizamabad District (Arrested on 17.01.2006), by the Police Personnel of I Town Police Station, Nizamabad and producing the detenus before the Additional Judicial First Class Magistrate, Nizamabad on 18.01.2006; (ii) torturing the detenus during interrogation by giving electric shock causing one of them viz., K. Raju fell unconscious; (iii) involvement of higher police officials in the torture of the detenus, and for a further direction to the concerned authorities to take necessary action against the police officers, who tortured the detenus.

A counter affidavit has been filed by the respondents denying the allegations made in the writ petition stating that one Mr. Aharon, S/o. Deva Bhiksham Pastor of Indian Penti Costal Church, Nizamabad, lodged a complaint on 12.1.2006 alleging that the RSS, Bhajarang, BJP and ABVP persons numbering about 15 to 20 stopped the van, caught him and beat him indiscriminately, threw him on the ground and kicked him on his face, and that they also threatened to set ablaze if meetings are conducted. Basing on the above complaint a case in Cr.No.17/2006 under Sections 147, 324, 341, 153(A) read with Section 149 IPC was registered and investigation was taken up. During the course of investigation the police arrested the accused, mentioned in the Fax Message, on 17.1. 2006 and remanded them to judicial custody on 18.1.2006 before the Additional Judicial First Class Magistrate at Nizamabad. The accused, namely, 1) Mulleti Sudhakar, S/o. Nella Kantaiah; 2) Musuku Mai Pal Reddy S/o. Narsa Reddy; 3) Lal Roshan S/o. Gopi Kishan; 4) Domala Ravinder S/o. Sayanna; 5) Armoor Vittal S/o. Narayana filed a petition complaining that they have been tortured by the police and hence requested to send them for Medical examination. Accordingly the learned Magistrate sent the above persons to the Medical Officer, District Hospital, Nizamabad for examination

and report. After conducting examination, the Medical Officer opined that no electric shock was given and found that there were no external injuries. It is further stated that the allegation that the accused persons were given electric shock during interrogation and due to which one of the accused, namely, K. Raju fell unconscious, is absolutely false, and baseless. The said K. Raju was arrested on 18.1.2006 at about 2.30 p.m. at his residence and was sent for judicial custody on the same day itself. The said Raju did not complain any harassment meted out to him in the hands of the police. The allegations that the accused were illegally confined in the police station and that the higher officials are involved in the said act of giving electric shock, are specifically denied.

In view of the averments made in the counter affidavit no further orders are necessary in this writ petition. Accordingly, the Writ Petition is dismissed at the admission stage.

_____

(T. MEENA KUMARI, J.)

_____

(K.C. BHANU, J.)

13th February, 2006

Js.